

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ARETHA WILLIAMS THOMAS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:17-cv-2878-SNLJ
)	
AMEREN U.E., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This employment action is before the Court on the unopposed motion (#16) of defendant, Ameren U.E., to dismiss Plaintiff’s Second Amended Complaint (#9) for failure to state a claim under Federal Rule of Procedure 12(b)(6). Having reviewed the Second Amended Complaint and its supporting materials, including the attached Charge of Discrimination and Right-to-Sue Letter, this Court orders the parties to provide additional briefings within fourteen (14) days on the following issue:

Pursuant to the Second Amended Complaint, Plaintiff’s claims arise under the American with Disabilities Act (“ADA”), 42 U.S.C. §§ 12101, *et seq.*, related to alleged long-term discriminatory treatment of a “disability” that is “mental” in a nature (#9, P. 6). Indeed, Plaintiff checked the box for a claim under the “American with Disabilities Act of 1990,” while leaving unchecked a box for “Title VII of the Civils Rights Act of 1964.” (#9, P. 1). Yet, as this Court reads the Charge of Discrimination, Plaintiff originally claimed—at the administrative level—that she was “discharged due to my gender, African American (sic), and in retaliation for opposing discrimination.” (#9, P. 11).

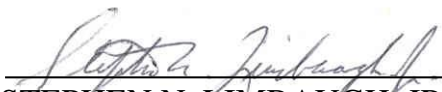
Further, the Right-to-Sue Letter issued by the EEOC relates to a claim under Title VII, not a claim under the ADA. (#9, P. 12).

This Court is concerned that it does not have subject-matter jurisdiction to further retain this case as it is currently framed under the ADA. Accordingly, the parties are hereby ordered to providing additional briefing on the issue of this Court's subject-matter jurisdiction, or lack thereof, specifically as to whether a Right-To-Sue Letter issued by the EEOC under Title VII permits a viable claim in this Court under the ADA. The parties shall have fourteen (14) days from the date of this Order to provide the above-referenced briefing.

Accordingly,

IT IS HEREBY ORDERED that the parties provide additional briefing on the issue of this Court's subject-matter jurisdiction within fourteen (14) days of the execution of this Order.

So ordered this 13th day of August 2018.


STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE